

# SENATE BILL No. 243

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-6-2-13; IC 5-2-21.

**Synopsis:** Racial profiling. Prohibits a municipal, county, or state law enforcement agency from engaging in racial profiling. Requires a law enforcement agency to adopt a detailed policy that defines the elements of racial profiling. Requires a law enforcement agency to transmit to the attorney general information concerning racial profiling complaints, investigations, and any action taken, and requires the attorney general to submit a biennial report to the legislative council based on this information.

**Effective:** July 1, 2015.

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## Breaux

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January 6, 2015, read first time and referred to Committee on Homeland Security & Transportation.

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First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## SENATE BILL No. 243

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 4-6-2-13 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2015]: **Sec. 13. (a) Before November 1, 2016, and every two (2)**  
4 **years thereafter, the attorney general shall submit a report to the**  
5 **legislative council concerning racial profiling. The report must be**  
6 **based on information received from law enforcement agencies**  
7 **under IC 5-2-21-7, and must include:**  
8 (1) the number of complaints filed alleging racial profiling;  
9 (2) the results of the investigation into each complaint;  
10 (3) if the complaint is substantiated, the action taken against  
11 the offending law enforcement officer; and  
12 (4) any statistical or other information contained in or derived  
13 from the information received from law enforcement agencies  
14 that the attorney general believes would be useful to the  
15 legislative council.  
16 (b) The attorney general may recommend legislation based on



the contents of the report.

(c) The report must be in an electronic format under IC 5-14-6.

SECTION 2. IC 5-2-21 IS ADDED TO THE INDIANA CODE AS  
A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
1, 2015]:

**Chapter 21. Prohibition Against Racial Profiling**

**Sec. 1.** As used in this chapter, "law enforcement agency" means  
the following:

- (1) A city or town police department.
- (2) A town marshal system.
- (3) A sheriff's department.
- (4) The state police department.
- (5) The law enforcement division of the department of natural  
resources.
- (6) The excise police division of the alcohol and tobacco  
commission.
- (7) A state university police department.
- (8) A school resource officer.

**Sec. 2.** As used in this chapter, "racial profiling" means the:

- (1) detention;
- (2) official restraint; or
- (3) other disparate treatment;

of an individual solely on the basis of the racial or ethnic status of  
the individual.

**Sec. 3.** A law enforcement agency may not engage in racial  
profiling.

**Sec. 4.** The race or ethnicity of an individual may not be the sole  
factor in:

- (1) determining the existence of probable cause to take into  
custody or to arrest an individual; or
- (2) constituting a particularized suspicion that an offense has  
been or is being committed in order to justify the detention of  
an individual or the investigatory stop of a motor vehicle.

**Sec. 5. (a)** Not later than January 1, 2016, a law enforcement  
agency shall adopt a detailed written policy that:

- (1) prohibits racial profiling;
- (2) clearly defines the elements constituting racial profiling;  
and
- (3) includes a procedure that the law enforcement agency will  
use to address complaints concerning racial profiling.

**(b)** The law enforcement agency must make the policy available  
for public inspection during normal business hours.



1       **Sec. 6. If an investigation of a complaint of racial profiling**  
2 **reveals that a law enforcement officer was in direct violation of the**  
3 **law enforcement agency's written policy prohibiting racial**  
4 **profiling, the law enforcement agency shall take appropriate action**  
5 **against the law enforcement officer consistent with the applicable**  
6 **rules, ordinances, or policies of the law enforcement agency.**

7       **Sec. 7. (a) A law enforcement agency shall provide to the**  
8 **attorney general:**

9           **(1) a copy of every complaint filed with the agency alleging**  
10 **racial profiling;**

11           **(2) the results of the investigation into the complaint; and**

12           **(3) if the complaint is substantiated, the action taken against**  
13 **the offending law enforcement officer.**

14       **(b) The attorney general shall prepare a report in accordance**  
15 **with IC 4-6-2-13 based on information received under this section.**

